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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

JACK HAIN,

Plaintiff,

v.

UNITED STATES DEPARTMENT
 OF THE NAVY,

Defendant.

No. C 08-3747 CW

**STIPULATION AND ~~PROPOSED~~
 ORDER SELECTING ADR PROCESS
 AS MODIFIED**

Plaintiff, proceeding *pro se*, and the government, by and through its attorneys of record, have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5.

The parties agree to participate in the following ADR process: Mediation to be completed following the resolution of anticipated motions: (1) to amend the Complaint to add a claim of failure to warn of dangerous conditions at the Hunters Point Navy Base; and (2) to dismiss based on the discretionary function exception to the FTCA.

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2 Dated: October 28, 2008

Respectfully submitted,

3 JOSEPH P. RUSSONIELLO
4 United States Attorney

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6 EDWARD A. OLSEN
Assistant United States Attorney
7 Attorneys for Defendant

8 Dated: October 28, 2008

9 JACK HAIN

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11 **[PROPOSED] ORDER**

12 Pursuant to the stipulation set forth above, the above-caption matter is referred to: Mediation

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14 IT IS SO ORDERED.

15 Dated:

16 CLAUDIA WILKEN
17 United States District Judge

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Dated: October 28, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendant

Dated: October 28, 2008



JACK HAIN, improper

~~PROPOSED~~ ORDER

Pursuant to the stipulation set forth above, the above-caption matter is referred to: ~~Mediation~~
a Magistrate Judge for a settlement conference.

IT IS SO ORDERED.

Dated: 11/3/08


CLAUDIA WILKEN
United States District Judge

ADR STIPULATION
C 08-3747 CW